

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

RowVaughn Wells, Individually and as
Administratrix of the Estate of Tyre Deandre
Nichols, Deceased,

Plaintiff,

v.

The City of Memphis, Tennessee; Chief Cerelyn
Davis; Emmitt Martin III;
Demetrius Haley; Justin Smith;
Desmond Mills, Jr.; Tadarrius Bean;
Preston Hemphill; Robert Long;
JaMichael Sandridge; Michelle Whitaker;
DeWayne Smith,

Defendants.

CASE NO. 2:23-CV-02224
JURY DEMAND

**THE CITY DEFENDANTS' UNOPPOSED MOTION FOR LEAVE
TO FILE MEMORANDUM IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED COMPLAINT IN EXCESS OF PAGE LIMIT SET BY LOCAL RULE
12.1(a)**

Defendants, the City of Memphis ("the City"), Chief Cerelyn Davis in her Individual Capacity ("Chief Davis") and Dewayne Smith as Agent of the City of Memphis ("Lt. Smith") (collectively, "the City Defendants"), by and through counsel, hereby request leave to file the City Defendants' Memorandum in Support of Motion to Dismiss Plaintiff's First Amended Complaint in excess of the page limit set by Local Rule 12.1(a). Plaintiff, through counsel, has indicated that she does not oppose the relief requested by this Motion. In support, the City Defendants state as follows:

1. Plaintiff's First Amended Complaint was filed on January 3, 2025. (ECF No. 277.)

2. The City Defendants response to the First Amended Complaint is due February 17, 2025.

3. Local Rule 12.1(a) provides that memoranda in support of motions to dismiss shall not exceed 20 pages without prior Court approval.

4. The City Defendants seek leave to file a 27-page memorandum in support of their Motion to Dismiss.

5. The City Defendants have attempted to no avail to cut its memorandum down to 20-pages.

6. Good cause exists to support this Motion. The nature of this case, including the complex arguments from each party and the relevant case law, support the need for additional pages so that the City Defendants may adequately address each argument in Plaintiff's response.

7. Plaintiff and the City Defendants consulted through counsel regarding the relief being sought, and Plaintiff does not oppose this Motion.

The City Defendants seek permission to file a memorandum in support of their Motion to Dismiss in excess of the page limits provided by Local Rule 12.1(a), and that they be afforded twenty-seven (27) pages in which to respond to the First Amended Complaint.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

s/ Bruce McMullen

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*Attorneys for Defendant City of Memphis,
Chief Cerelyn Davis in her Official Capacity*

CERTIFICATE OF CONSULTATION

I, Bruce McMullen, hereby certify that counsel for City Defendants contacted Plaintiff's counsel via email on February 17, 2025, regarding the relief sought in this Motion. Plaintiff's counsel responded that Plaintiff does not oppose this Motion.

s/ Bruce McMullen
Bruce McMullen

CERTIFICATE OF SERVICE

I, Bruce McMullen, hereby certify that on February 17, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bruce McMullen
Bruce McMullen